

SUPERIOR COURT OF WASHINGTON STATE
FOR KING COUNTY

JOSIAH HUNTER,) No.
Plaintiff,)
) COMPLAINT FOR DAMAGES
v.)
CITY OF FEDERAL WAY, FEDERAL)
WAY POLICE DEPARTMENT, FEDERAL)
WAY POLICE OFFICER KRIS DURRELL,)
FEDERAL WAY POLICE CHIEF ANDY J.)
HWANG, JOHN DOE AND JANE DOE)
OFFICERS.)
Defendants.

I. NATURE OF ACTION

1.1 Introduction. This is a civil rights action brought by Plaintiff Josiah Hunter pursuant to 42 U.S.C. Sec. 1983 and the Fourth and Fourteenth Amendments against the City of Federal Way, the Federal Way Police Department, Federal Way Police Officer Kris Durrell and Federal Way Police Chief Andy Hwang. This case arises from claims of assault, unlawful arrest, excessive force and the tort of outrage.

II. PARTIES

2.1 Plaintiff Josiah Hunter. Josiah is a resident of King County, Washington.

2.2 Defendants Ofc. Kris Durrell. Defendant Ofc. Durell and Jane Doe whose true name is unknown, are husband and wife and comprise a marital community under the laws of the State of Washington. At all times relevant, Ofc. Durrell was employed as law enforcement by the Federal Way Police Department and was acting within the course and scope of his employment with the City of Federal Way and under color of law.

2.3 Defendant City of Federal Way. Defendant City of Federal Way (City) is responsible for the actions and activities of employees of the Federal Way Police Department when FWPD employees are acting within the course and scope of their employment.

2.4 John and Jane Doe Officers. There are several unknown Federal was police officer
that participated in the events that formed the bases for this lawsuit. These officers
were acting within the course and scope of their employment with the City of Federal
Way and were acting under color of law.

2.5 Defendant Andy J. Hwang. Defendant Andy J. Hwang is the current Federal Way Police Chief. Chief Hwang was at all times relevant to this case responsible for the training and supervision of Federal Way Police Officers.

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3 **JURISDICTION AND VENUE**
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- 5 3.1 Jurisdiction. Jurisdiction in this Court is based on Federal Way being a city in the
6 State of Washington and the fact that all defendants reside in the State of Washington.
7 3.2 Venue. Venue for this action is appropriate in this Court because the events giving rise
8 to the claims asserted herein occurred in King County.

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10 **FACTS**
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- 12 4.1 Mr. Hunter was shopping at an AM PM on 32000 Pacific Highway South on September
13 14, 2014 with a friend, Junior Beausilien.
14 4.2 While Mr. Hunter and Mr. Beausilien were at the store, they witnessed a car accident.
15 They walked from Mr. Hunter's car, which was parked in front of the AMPM, to the area
16 in front of the wreck to see if everyone was ok.
17 4.3 The Accident appeared to be a near head on collision.
18 4.4 Mr. Hunter and Mr. Beausilien were concerned for the health and wellbeing of those that
19 were in the accident.
20 4.5 Mr. Beausilien and Mr. Hunter went to tried to help the individuals that had been
21 involved in the car accident. This was prior to the arrival of any police officers.
22 4.6 When officer's arrived, they told Mr. Hunter and Beausilien to step back.
23 4.7 Mr. Hunter and Mr. Beausilien stepped back and continued to observe what was
24 happening.
25 4.8 Officers later began yelling at Mr. Hunter to move further back.

- 1 4.9 Mr. Hunter complied with the requests of the officers by moving back a significant
2 distance.
- 3 4.10 Eventually another officer started screaming at Mr. Hunter and Mr. Beausilian to leave.
4 Mr. Hunter was complying with officer commands when he began walking to his car so
5 that he could leave.
- 6 4.11 Mr. Hunter was following the officers instructions when an officer approached him from
7 behind and began to choke him.
- 8 4.12 Mr. Hunter felt as though he could not breath.
- 9 4.13 Mr. Hunter experienced a great deal of pain as a result of this incident.
- 10 4.14 This was a traumatic event for Mr. Hunter.
- 11 4.15 Mr. Hunter was then handcuffed and placed in the back of a police officer.
- 12 4.16 Mr. Hunter was left in the back of the police car in a parking lot for an excessively long
13 time prior to being transported to the SCORE Jail.
- 14 4.17 At some point an officer went into the AM/PM store and tried to convince the store clerk
15 that Mr. Hunter should be trespass from the premises.
- 16 4.18 Mr. Hunter was charged with Criminal Trespass, Resisting Arrest and Obstructing a
17 Public Officer. These charges were eventually dismissed.
- 18 4.19 Mr. Hunter had to appear at several court hearings over the course of months prior to the
19 dismissal of all of the charges.
- 20 4.20 Mr. Hunter has experienced physical and emotional harm as a direct result of this
21 incident.
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4 **V. CAUSES OF ACTION**
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- 7 5.1 First Cause of Action. The City of Federal Way and Federal Way, Officer Durrell,
8 and other unknown Federal Way Officers are liable to the plaintiff for the tort of
9 assault.
10 5.2 Second Cause of Action. The City of Federal Way, Officer Durrell and other
11 unknown Federal Way Officers are liable to the plaintiff for using excessive force
12 against Mr. Hunter.
13 5.3 Third Cause of Action. The City of Federal Way, Officer Durrell and several
14 unknown officers are liable to the plaintiff for intentional infliction of emotional
15 distress.
16 5.4 Fourth Cause of Action. The City of Federal Way and Officer Durrell are liable for
17 negligently using the choke hold tactic against Mr. Hunter.
18 5.6' Fifth Cause of Action. The City of Federal Way and Officer Durrell are liable for
19 excessive force.
20 5.5 Fifth Cause of Action. The City of Federal Way is liable to the plaintiff for violation
21 of the plaintiff's civil rights to the extent that the failure to train, supervise and
22 discipline police officers is a policy, practice or custom of the Federal Way. 42 USC
23 Sec. 1983.
24 5.6 Sixth Cause of Action. The City of Federal Way and the officer defendant's are liable
25 for false arrest.

1 5.7 Seventh Cause of Action. The City of Federal Way and the officer defendant's are
2 liable for false imprisonment.

3 5.6 Sixth Cause of Action. The City of Federal Way is liable to the plaintiff for violation
4 of the plaintiff's civil rights to the extent that officers are authorized by the City of
5 Federal Way to choke civilians. 42 USC Sec. 1983.

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7 **VI. REQUEST FOR JURY DEMAND**

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9 The plaintiff, Jesse Hunter, formally demands his right for his case to be heard by a jury.

10 WHEREFORE, Plaintiff pray for the following relief:

- 11 1. Damages and punitive damages in an amount to be proven at trial. Plaintiff
12 seeks punitive damages against all defendants;
- 13 2. For reasonable attorney's fees and costs; and
- 14 3. For such other and further relief as the Court deems just and equitable.

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16 Dated this 9th day of September 2016,

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19 James Bible, WSBA # 33985
Attorney for Plaintiff